

FACSIMILE TRANSMISSION

The information contained in this transmission is privileged and confidential. It is intended only for the use of the individual or entity named below. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify Gen-Probe immediately by telephone and return the original message to us at the below-indicated address via regular U.S. mail. Thank you.

FROM: Christine A. Gritzmacher
Gen-Probe Incorporated
10210 Genetic Center Drive
San Diego, California 92121

TO: Examiner: Gibbs, Terra C.
Group 1635

U.S. Patent & Trademark Office

Phone No. (858)410-8926
Facsimile No. (858)410-8928

Facsimile No. (703) 872-9307

Number of pages (including this cover page): 4

In re patent application of:

Group Art Unit: 1635

HARVEY et al.

Examiner: Gibbs, Terra C.

Serial No. 09/121,239

Atty. Docket No. GP091-02.UT

Filed: July 23, 1998

Confirmation No. 3098

Title: METHODS FOR DETECTING AND
MEASURING SPLICED NUCLEIC
ACIDS

Date: September 8, 2003

Transmitted herewith:

Response to Office communication mailed August 8, 2003.

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence (along with any referred to as attached or enclosed) is being facsimile transmitted to Technology Center 1600 of the U.S. Patent and Trademark Office at facsimile no. 703- 872- 9306 on the date indicated below.

on September 8, 2003

By: Christine A. Gritzmacher
Christine A. Gritzmacher, Attorney of Record
Reg. No. 40,627

RECEIVED
CENTRAL FAX CENTER

SEP 09 2003

OFFICIAL

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Harvey et al.)	Examiner: Gibbs, Terra C.
)	
Serial No.	09/121,239)	Group Art Unit: 1635
)	
Filed:	July 23, 1998)	Confirmation No.
)	
For:	METHODS FOR DETECTING)	Docket No.: GP091-02.UT
	AND MEASURING SPLICED)	
	NUCLEIC ACIDS)	

RESPONSE

Mail Stop Non-Fee Amendment
Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

In response to the Office communication mailed August 8, 2003 (Paper No. 35), Applicants are timely filing this response which summarizes telephonic communications with the Examiner regarding her intention to withdraw the notice of Paper No. 35.

OFFICIAL
RECEIVED
CENTRAL FAX CENTER
SEP 09 2003

.....
Certificate of Facsimile Transmission

I hereby certify that this correspondence (along with any referred to as being attached or enclosed) is transmitted via facsimile to Technology Center 1600 at facsimile number 703-872-9306 on the date indicated below.

Date: Sept. 8, 2003

Christine A. Gritzmacher
Christine A. Gritzmacher

Serial No.: 09/121,239
Filed: July 23, 1998
Group Art Unit: 1635

RESPONSE TO OFFICE COMMUNICATION
Docket No. GP091-02.UT

Comments

A notice of non-responsive amendment (Paper No. 35, mailed August 8, 2003) was issued in response to Applicants' amendment filed on May 29, 2003 (Paper No. 34). The notice stated that the amendment was incomplete because certain "regions" in the sequence of Figure 2 were not identified with a Sequence Identifier Number.

Applicants' representative communicated by telephone with the Examiner on August 18, 2003 explaining that Sequence Identifier Numbers were already provided, as described in Paper No. 34, and that Paper No. 35 appeared to be requesting separate Sequence Identifier Number(s) for features contained within the identified sequence. Therefore, Applicants' representative requested clarification or a telephonic interview to resolve this issue so that examination of the application could proceed.

The Examiner communicated by telephone with Applicants' representative on August 21, 2003, stating that no additional Sequence Identifier Number was needed and that the notice of Paper No. 35 would be withdrawn.

Applicants have not yet received an Office communication withdrawing the notice. Therefore, Applicants are filing this response to timely reply to the Office communication of Paper No. 35, consistent with the Examiner's statements of August 18, 2003.

Applicants respectfully request entry of the amendment of Paper No. 34 and seek allowance of the application. If any issues remain that can be resolved by a telephone interview, the Examiner is invited to contact the undersigned at the telephone number shown below.

08-SEP-2003 03:35PM

FROM-Gen-Probe Incorporated - Patent Dept.

+1 858 410 8928

T-651 P.004/004 F-442

Serial No.: 09/121,239
Filed: July 23, 1998
Group Art Unit: 1635

RESPONSE TO OFFICE COMMUNICATION
Docket No. GP091-02.UT

Fee Authorization

Applicants believes there is no fee due in connection with the filing of this response. If
Applicants are incorrect, please debit any fee required in connection with this response from Deposit
Account No. 07-0835.

Respectfully submitted,

Date: September 8, 2003

By: Christine A. Gritzmacher
Christine A. Gritzmacher
Attorney of Record, Reg. No. 40,627

GEN-PROBE INCORPORATED
Patent Department
10210 Genetic Center Drive
San Diego, California 92121

Tel.: (858) 410-8926 FAX: (858) 410-8928

OFFICIAL

RECEIVED
CENTRAL FAX CENTER
SEP 09 2003

T:\Legal\Genprobe\GP091\03-RC1\Amendment\Response090803.wpd